

**PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008**

Place: Auditorium  
Town Hall

TIME: 7:45 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Grimes, Finke, Bigelow, Hutchison

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

---

Chairman Conze read the first agenda item:

**GENERAL MEETING**

**Election of Officers (Chairman, Vice-Chairman, Secretary, SWRPA Representative)**

*Nominations for Chairman.* Peter Bigelow nominated Fred Conze to serve as Chairman. Gwynne Grimes seconded the nomination. There were no other nominations for Chairman. Mr. Conze was unanimously elected as Chairman.

*Nominations for Vice-Chairman.* Reese Hutchison nominated Peter Bigelow to serve as Vice Chairman. Gwynne Grimes seconded the nomination. There were no other nominations for Vice-Chairman. Mr. Bigelow was unanimously elected to serve as Vice-Chairman.

*Nominations for Secretary.* Mr. Bigelow nominated Mr. Spain to serve as Secretary. Mrs. Grimes seconded the nomination. There were no other nominations for secretary. Mr. Spain was unanimously elected as Secretary.

*SWRPA Representative.* Mr. Conze nominated Mr. Hutchison to serve as the Representative to SWRPA. Mrs. Grimes seconded the nomination. There were no other nominations. It was noted that Rob Young is now the P&Z representative to SWRPA and Mr. Hutchison is now the Board of Selectmen's representative. Mr. Hutchison was then unanimously elected to serve as a Representative to SWRPA. Mr. Ginsberg will notify appropriate authorities of this decision.

Mr. Conze read the following agenda item:

**Adoption of Year 2009 meeting schedule**

The following motion was made: that the Commission adopt the schedule for the meetings to be held in 2009. The motion was made by Mr. Bigelow, seconded by Mrs. Grimes and unanimously approved.

Chairman Conze then read the following agenda item:

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 2

**Business Site Plan #124-F, Dolcetti, Inc., (Brooks Brothers) 975-987 Boston Post Road**

Request for modifications to the previously approved plans (retaining wall, rubbish enclosure, fence, plantings, transformer and drainage) and request for a temporary Certificate of Occupancy for Brooks Brothers.

Mr. Ginsberg reviewed the requested modifications. He said that most of them seemed fine, but there is an error with respect to Item #6. He said that the transformer was originally intended to be located on the private property and has only been approved to be on the private property. It has not been approved to be installed on Town property. The submitted sketch is not accurate because it illustrates the transformer on Town property. Commission members noted that the transformer is to be located on private property as originally intended. Commission members also noted that in March of 2009 it is anticipated that construction on the back building, adjacent to Squab Lane, will begin. The following motion was made: that the Commission approve the requested modifications except that the transformer is inaccurately shown as being on Town property. The transformer is to be located on private property in accordance with the originally approved plans. A motion was made by Mr. Bigelow, seconded by Mr. Finke, and was approved by a vote of 4-0-1, with Mr. Hutchison abstaining, since he is one of the owners of the adjacent property.

Chairman Conze read the following agenda item:

**Amendment of Special Permit Application #187-A, Tilley Pond Park lights**

Request to activate the lights from 5:00 AM until dawn on a trial basis.

In response to questions, Mr. Ginsberg said that he thought there were about seven houses located on Lakeside Drive, and that the lights within the Park are located on the opposite side of the pond from Lakeside Drive. The Commission members agreed that a six month trial would be appropriate to turn the lights on early in the morning until dawn. The following motion was made: that the Commission approve the request from the Director of Parks and Recreation to have a 6 month trial period to allow the lights to be turned on at 5:00 A.M. and to go off at dawn. A motion was made by Mr. Hutchison, seconded by Mr. Finke and unanimously approved.

Mr. Conze read the following agenda item:

**8 Contentment Island Road Partners, 8 Contentment Island Road.**

Requested modifications to planting plans—see e-mail from Barbara Yaeger of EDA.

Mr. Ginsberg reviewed the letter requesting several changes to the landscaping plan. Commission members indicated that they had no problem with the request. The following motion was made: that the Commission approve the requested modification for the landscaping and planting plans for the project at 8 Contentment Island Road. A motion was made by Mr. Hutchison and seconded by Mrs. Grimes and unanimously approved.

Mr. Conze read the following agenda item:

**Amendment of Coastal Site Plan Review #223, Buck French, 112 Pear Tree Point Road.**

Request to install a 30 foot high flagpole with associated in-ground light within a regulated area.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 3

Mr. Ginsberg explained that the request is to install a flagpole in the front portion of the property and the site is within the coastal area management boundary. He said that he did not anticipate any impact to any coastal resources. Commission members noted that the flag would be located between the house and a large tree that is near the street. The following motion was made: that the Commission approve the requested modification of the Coastal Site Plan Review in order to approve the flag pole as detailed in the materials. The motion was made by Mrs. Grimes, seconded by Mr. Finke and unanimously approved.

Mr. Conze read the following agenda item:

**Land Filling & Regrading Application #215, Juan & Mary Pozuelo, 22 Great Hill Road.**  
Proposing to fill and regrade in rear of property, construct associated retaining walls and install drainage facilities and perform related site development activities.

The following motion was made: that the Commission waive the process of reading aloud each of the Draft Resolutions because each member has received the prior to the meeting and had an opportunity to read and review the draft of each Resolution. The motion was made by Mr. Bigelow, seconded by Mr. Hutchison and unanimously approved.

Commission members discussed the Pozuelo application and the Draft Resolution. The following motion was made: that the Commission adopt the following Resolution to approve the project with the following conditions and stipulations. The motion was made by Mr. Hutchison, seconded by Mr. Finke and unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 6, 2008**

Application Number: Land Filling & Regrading Application #215

Street Address: 22 Great Hill Road  
Assessor's Map #36 Lot #11

Name and Address of Property Owner	Juan & Mary Pozuelo 22 Great Hill Road Darien, CT 06820
---------------------------------------	---

Name and Address of Applicant & Applicant's Representative:	Rob Frangione, PE Frangione Engineering, LLC 47 Park Place New Canaan, CT 06840
--	--

Activity Being Applied For: Proposing to fill and regrade in rear of property, construct associated retaining walls and install drainage facilities and perform related site development activities.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 4

Property Location: The subject property is on the east side of Great Hill Road, approximately 800 feet northeast of its intersection with Tokeneke Road.

Zone: R-1/2 Zone

Date of Public Hearing: October 21, 2008

Time and Place: 8:00 P.M.      Room 119      Town Hall

Publication of Hearing Notices

Dates: October 9 & 16, 2008

Newspaper: Darien News-Review

Date of Action: November 6, 2008

Action: APPROVED WITH  
CONDITIONS

Scheduled Date of Publication of Action:  
November 13, 2008

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the basis that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to fill and regrade in rear of property, construct associated retaining walls and install drainage facilities and perform related site development activities. There is now a single-family residence on the property, and the property owner proposes additions and alterations to that residence.
2. Also as part of the application, there is a proposal for a three foot high retaining wall in the back of the property. The proposed slopes are from north to south. The property owner will be removing the existing ledge rock outcrop, and will plant that area with grass. The ledge is now at elevation 105, and they will be removing it, and regrading that area down to elevation 102. A circular drive will be installed on Great Hill Road. There are now no drainage controls on the property. Six (6) culvert units are proposed for the back of the property, and six (6) in the front. The overall runoff rate will be reduced.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 5

3. In the past, there have been drainage concerns in this area--Great Hill Road water flows into the backyards of Tokeneke Road properties. During the public hearing, the applicant, Mr. Frangione, noted the tree protection and silt fence installation which is proposed to occur prior to any filling or regrading. Mr. Frangione mentioned the proposal to install cultec units, which will help control water.
4. During the public hearing, the applicant said that if the Commission desires, he can ring the entire property with silt fence. Commission members noted their concern with potential impacts to downstream properties, and emphasized the need to stage the project properly and quickly.
5. The Public Works Department wrote in its referral comments that a curb cut / street opening permit will be needed from that office for the proposed new curb cut on Great Hill Road.
6. The Commission noted the need to ensure that during construction, the site is closely monitored. They also noted the need for the applicants to file a document regarding maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
7. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
8. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #215 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work shall be in accordance with the following plans submitted to and reviewed by the Commission:
  - Proposed Drainage Plan on Property of Juan & Mary Pozuelo, 22 Great Hill Road, by Frangione Engineering, LLC, dated September 9, 2008 and last revised 10/8/08.
- B. The Commission notes that there is a need to carefully coordinate and manage this project, especially in light of the subject property whose back yard slopes from elevation 103 to elevation 88+/- . Therefore, the applicant shall submit prior to any filling or regrading work beginning but no later than December 30, 2008, a detailed flowchart/sequencing plan which shall address truck traffic and truck parking issues. This should assist in minimizing and regrading impacts on downhill properties on Tokeneke Road. That detailed flowchart/sequencing plan shall be reviewed and acted upon by the Planning and Zoning Director prior to the start of any regrading work.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond. Upon completion of the work, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 6

the approved plans. This shall include written certification for the project's professional engineer that the drainage facilities have been installed according to the approved plans.

- D. The applicant's representative noted during the public hearing that they will be removing some existing rock ledge. This may require blasting as part of this project. The applicant shall give notice to the owners of property within 100 feet of the subject property and to neighbors living within 100 feet of the property when blasting or hoe-ramming is scheduled to be done or when there will be a significant number of trucks present. Approval from the Fire Marshal for any blasting will also be required.
- E. During the regrading and site work, the applicant shall utilize the sediment and erosion controls illustrated on the plan referred to in the "Proposed Drainage Plan" (in Condition A, above), and any additional measures as may be necessary due to site conditions, including tree protection and having silt fence ring the property (as proposed by the applicant). Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. The applicant shall install the drainage system as shown on the submitted "Proposed Drainage Plan" (in Condition A, above). The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- G. Prior to the issuance of a Certificate of Occupancy for the proposed additions and alterations to the residence, a drainage maintenance plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records. The maintenance plan shall require the property owner and all subsequent property owners of 22 Great Hill Road to maintain the drainage facilities per the maintenance plan.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to approval from the Public Works Department for a street opening permit for the new curb cut, and from the Fire Marshal if any blasting is to be done.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 7

- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 5, 2009). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action and prior to the start of any filling or regrading work, or this approval shall become null and void.

Mr. Conze read the following agenda item:

**Land Filling & Regrading Application #213, Anthony & Sage Minella, 53 Horseshoe Road.**  
Proposing filling, regrading, and construction of driveway and performance of related site development activities.

The Commission members discussed the Draft Resolution and the following motion was made: that the Commission adopt the following Resolution to approve the project subject to conditions and stipulations. The motion was made by Mr. Finke, seconded by Mrs. Grimes and unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 6, 2008**

Application Number: Land Filling & Regrading Application #213

Street Address: 53 Horseshoe Road  
Assessor's Map #3 Lot #23

Name and Address of Property Owner	Anthony & Sage Minella 7 Oakshade Avenue Darien, CT 06820
---------------------------------------	---

Name and Address of Applicant & Applicant's Representative:	Jay Keillor, PE Land Engineering 525 John Street, 2 <sup>nd</sup> Floor Bridgeport, CT 06604
--	---

Activity Being Applied For: Proposing filling, regrading, and construction of driveway and performance of related site development activities.

Property Location: The subject property is on the east side of Horseshoe Road, approximately 330 feet north of its intersection with Allwood Road.

Zone: R-2 Zone

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 8

Date of Public Hearing: October 21, 2008

Time and Place: 8:00 P.M.      Room 119      Town Hall

Publication of Hearing Notices

Dates: October 9 & 16, 2008

Newspaper: Darien News-Review

Date of Action: November 6, 2008

Action: APPROVED WITH  
CONDITIONS

Scheduled Date of Publication of Action:  
November 13, 2008

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is for filling, regrading, and construction of driveway and performance of related site development activities.
2. During the public hearing, it was noted that work on the house and pool are now underway. Some of the regrading has already been started. The subject proposal has been revised from that originally submitted by 1) reducing the amount of filling and regrading near the Noble property at #33 Horseshoe Road (to the north); 2) installing trench drains at the end of the driveway; and 3) installing galleries underneath the proposed circular driveway.
3. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
4. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.



PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 9

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #213 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- B. Land filling and regrading work shall be in accordance with the following plans submitted to and reviewed by the Commission:
- Grading & Drainage Plan, 53 Horseshoe Road, prepared for Tony Minella, by Land Engineering & Surveying, LLC, dated Aug. 12, 008 and last revised 10/7/09 (should be 10/7/08), Sheet 1 of 3.
  - Erosion Control Notes & Details, 53 Horseshoe Road, prepared for Tony Minella, by Land Engineering Associates, LLC, dated Aug. 12, 008, Sheet 2 of 3.
- C. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond. Upon completion of the work, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with the approved plans. This shall include written certification for the project's professional engineer that the drainage facilities have been installed according to the approved plans.
- D. During the public hearing, it was noted by the applicant's representative that the manufacturers recommend that there be hooded outlets to the surface catch basin and trench drain. These are hereby required as a condition of approval by the Planning and Zoning Commission.
- E. During the regrading and site work, the applicant shall utilize the sediment and erosion controls illustrated on the two plans referred to in Condition A above, and any additional measures as may be necessary due to site conditions, including tree protection as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- F. The applicant shall install the drainage system as shown on the submitted "Proposed Grading & Drainage Plan" (in Condition A, above). The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- G. Prior to the issuance of a Certificate of Occupancy for the proposed residence, a drainage maintenance plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records. The maintenance plan shall require the property owner and all subsequent property owners of 53 Horseshoe Road to maintain the drainage facilities per the maintenance plan.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 10

- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- I. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 5, 2009). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Mr. Conze read the following agenda item:

**Flood Damage Prevention Application #266, Land Filling & Regrading Application #214, Christopher Gatto, 24 Mayflower Road.** Proposing to raze the existing residence and construct a new residence with associated filling, regrading and drainage and perform related site development activities within a regulated area.

The Commission members discussed the Draft Resolution. The following motion was made: that the Commission adopt the following Resolution to approve the project subject to conditions and stipulations. The motion was made by Mr. Bigelow, seconded by Mr. Finke and unanimously approved.

**PLANNING AND ZONING COMMISSION  
ADOPTED RESOLUTION  
November 6, 2008**

Application Number: Flood Damage Prevention Application #266  
Land Filling & Regrading Application #214

Street Address: 24 Mayflower Road  
Assessor's Map #55 Lot #49 and #50

Name and Address of:	D. Bruce Hill, Esq.
Applicant & Applicant's Representative:	Law Office of Bruce Hill
	23 Old King's Highway South
	PO Box 1103
	Darien, CT 06820

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 11

Name and Address of  
Property Owner: Christopher Gatto  
One Main Street North  
Southbury, CT 06488

Activity Being Applied For: Proposing to raze the existing residence and construct a new residence with associated filling, regrading and drainage and perform related site development activities within a regulated area.

Property Location: The subject property is on the southwest corner formed by the intersection of Mayflower Road and Shipway Road.

Zone: R-NBD

Date of Public Hearing: October 21, 2008

Time and Place: 8:00 P.M. Room 119 Town Hall

Publication of Hearing Notices

Dates: October 9 & 16, 2008

Newspaper: Darien News-Review

Date of Action: November 6, 2008

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:

November 13, 2008

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 416, 820, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is to raze the existing residence; to construct a new residence with pool (8' x 17') and patio; associated filling, regrading and drainage; and to perform related site development activities within a regulated area. The subject property is served by public water and sanitary sewer. The Land Filling and Regrading application is required in order to install the proposed drainage system and to raise the house to be at or above elevation 12.0.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 12

2. The proposed first floor of the new residence is at elevation 12.1, which is at least one foot above the base flood elevation of 11.0. The HVAC equipment and the pool equipment will be at elevation 11.0 or above. The outdoor mechanical unit area will be screened. The proposed building coverage is 3,211 square feet, including eaves and overhangs. The proposed total building coverage will be 3,349 square feet. The 20% building coverage maximum allows up to 3,351 square feet. The proposed building height is 29'4", and the property owner is taking credit for one foot of fill.
3. The proposed cupola is approximately 5' x 5'1", and is proportional for this house, even though the general rule-of-thumb is 4' x 4'. As represented by the applicant at the public hearing, there will be no lighting in the cupola. The building height to the peak of the main roof of the house is 32 feet.
4. It was noted by the applicant's engineer that there is a need to fill for the proposed culvert units. They will be setting the bottom of the culvert units at elevation 4.5. Runoff will decrease for all storm events. They are exceeding what is required per the Darien Zoning Regulations. Mr. Ed Scoville, the project engineer, said that there is a need to clean the grates occasionally. In addition to the culverts, around the driveway there will be a curtain drain/French drain. There is to be a trench drain across the driveway. There will be two catch basins proposed—one in the back, and one near the street intersection. At the hearing, the applicant's representative said that his client is willing to stipulate to a written maintenance protocol.
5. Mr. Keith Simpson, landscape architect, reviewed the plans with the Commission at the hearing. He noted the proposed use of boulders on the property. There will be evergreen screening in the back. Some trees will be removed for the driveway, and the associated backing area. New trees will be planted. One of the neighbors to this property, Mr. Craig Jones of 9 Shipway Road, said that he was concerned about the maintenance of the proposed drainage system.
6. The Commission acknowledges that according to the Zoning Chart prepared by the applicant, they are building the largest house possible on the lot---20% Building Coverage, 30 feet high.
7. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
8. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
9. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #266 and Land Filling & Regrading Application #214 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 13

- A. Construction and other activity shall be in accordance with the plans entitled:
- Zoning Location Survey Depicting Proposed House 24 Mayflower Rd., Christopher & Laura Gatto, by Stuart Somers Co., LLC, last revised 10-6-08.
  - Site Development Plan 24 Mayflower Rd., Christopher & Laura Gatto, by Stuart Somers Co., LLC, last revised 10-6-08.
  - Overall Site Plan, Gatto Residence 24 Mayflower Road, by Keith E. Simpson Associates, Inc., dated October 14, 2008, Sheet No. L-100.
  - Building Coverage Diagram, by Jeffrey J. Wyszynski, AIA, dated 13AUG08, and last revised 15OCT08, Sheet D-1.
  - Gatto Residence 24 Mayflower Road, by JSE, August 14, 2008, Foundation Plan and Foundation Sections, Sheets S1.1 and S1.2.
  - Architectural plans, drawings and elevations for Gatto Residence 24 Mayflower Road, by Jeffrey J. Wyszynski, AIA, 13Aug08, Sheets A-1 through A-6.
- B. The filling/regrading of the property has been shown on the submitted, revised Site Development Plan. No filling or regrading beyond that shown on the Site Development Plan is authorized. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. Upon completion of the work, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with the approved plans. This shall include written certification for the project's professional engineer that the drainage facilities have been installed according to the approved plans.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls, plus any additional measures as may be needed due to site conditions, shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. The applicant shall install the drainage system as shown on the submitted, revised Site Development Plan noted in Condition A, above. The property owner shall have the continuing obligation to make sure that storm water runoff and drainage from the site will not have any negative impacts upon the adjacent property(ies) or the adjacent streets. If such problems do become evident in the future, the owner(s) of the property shall be responsible of remedying the situation at their expense and as quickly as possible.
- F. Prior to the issuance of a Certificate of Occupancy for the proposed residence, a drainage maintenance plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Darien Land Records. The maintenance plan shall require the property owner and all subsequent property owners of 24 Mayflower Road to maintain the drainage facilities per the maintenance plan.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 14

- G. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer and architect that all aspects of the building construction and the storm water management (drainage) system have been completed in compliance with the approved plans and the flood damage prevention regulations. A final "as-built" survey is hereby required to verify that the final grading and site work are in compliance with the approved plans and the Flood Damage Prevention Regulations.
- H. Prior to the request for a Certificate of Occupancy for the proposed residence, the applicant shall submit written verification from the project engineer that all aspects of the construction, site regrading, re-vegetation of disturbed areas, and utility installation have been completed in compliance with the approved plans and the Flood Damage Prevention Regulations.
- I. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- J. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. A final Certificate of Occupancy will not be granted until all conditions of all Town bodies have been satisfied. This includes the Building Official and Zoning Official.
- K. This permit shall be subject to the provisions of Sections 829 f, 858 and 1009 of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (November 5, 2009). This may be extended as per Sections 829f, 858 and 1009.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, and prior to the start of any filling and regrading work, or this approval shall become null and void.

Chairman Conze read the following agenda item:

**Approval of Minutes**

*October 21, 2008      Public Hearing/General Meeting*

The motion to approve the minutes as submitted was made by Mr. Bigelow and seconded by Mr. Finke and unanimously approved.

*October 28, 2008      Special Meeting-General Meeting*

The following motion was made: that the Commission approve the minutes as presented. The motion was made by Mr. Finke, seconded by Mrs. Grimes. Voting in favor were: Mr. Conze, Mrs. Grimes and Mr. Finke, and abstaining were Mr. Hutchison and Mr. Bigelow because they had not

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 15

been present on October 28<sup>th</sup>. No one voted in opposition to the motion. The motion passed by a vote of 3 to 0 to 2.

Commission members took a very brief recess before beginning the public hearing at 8:00 P.M. The Chairman then called the public hearing portion of the meeting to order at 8:00 P.M. He read the public hearing agenda item:

**PUBLIC HEARING (To start at 8:00 P.M.)**

**Continuation of Public Hearing regarding Proposed Amendment to the Darien Zoning Map and Zoning Regulations, Affordable Housing Application, Site Plan Application #262, Land Filling & Regrading Application #211, Amendment to the Town Plan of Conservation & Development, Christopher & Cynthia Hamer, 26 Oak Crest.** Proposing to construct 10 residential condominium units (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in two new buildings with associated parking, and to perform related site development activities. The applicant is requesting the establishment of a new HOD zoning district; an amendment to the zoning map rezoning the property to HOD; and corresponding changes to the Town Plan. The subject property is located on the southeast side of Oak Crest approximately 1,000 feet east of its intersection with Mansfield Avenue, and is shown on Assessor's Map #15 as Lot #101 and Parcels X-1 and X-2, in the R-1/2 Zone.  
*PUBLIC HEARING OPENED ON 9/9/2008 AND CONTINUED TO 9/30/2008. DEADLINE TO CLOSE PUBLIC HEARING IS 11/6/2008, UNLESS EXTENSION IS GRANTED BY APPLICANT.*

Jeremy Ginsberg, Director of Planning, explained that additional information had been submitted since the last public hearing. This additional information included: a one page memorandum from the Architectural Review Board dated October 22, 2008; a two page letter from Joseph Canas of Tighe & Bond dated October 2, 2008; a letter dated October 16, 2008 from Shipman & Goodwin with attachments; a letter dated October 31 and received November 6, 2008 from Adler Consulting containing one corrected page; a November 6<sup>th</sup> memorandum from Fire Marshal, Robert Buch; a November 6<sup>th</sup> letter from Kristina Puff (three pages); and a November 6<sup>th</sup> report from the Environmental Protection Commission via Richard Jacobson.

Attorney Matt Ranelli explained that the application was first submitted in June and he is hopeful that the Commission will be able to close the public hearing tonight. He said that several changes were incorporated into the plans submitted to the Environmental Protection Commission and he will have those modifications explained to the Planning & Zoning Commission. He also submitted two packets of material and information. He said some of the information within the packets is redundant because it responds to or corrects or clarifies previously submitted information and some of the information is in response to the Fire Marshal and other concerns that were raised. He also submitted a compact disk (CD) containing the entire Southwestern Regional Planning Agency's (SWRPA) Plan of Conservation & Development. He said that the SWRPA had been referred to and he wanted to make sure the Commission had access to the entire document. He provided copies of all these materials to the Commission members and to the intervener.

Bill Carboni, P.E., from Spath Bjorklund Associates explained the changes that had been incorporated into the plans that had resulted from the comments from the Town's Consulting Engineer and/or the Environmental Protection Commission. The first change was that a wall was

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 16

added within the storm water detention pond. The second change concerns the on-site drainage system. In order to accommodate the defects in the existing Oak Crest drainage system, a catch basin in the street will need to be re-built and a high level overflow pipe will be provided to take additional water to the enlarged detention system on the site. He said that the existing catch basin will be over-topped in a two or three inch rain fall and that necessitates the change in the plans. The third change concerns snow management. He said that the maps and plans now designate three snow storage areas to be incorporated into the site. He said that the information that they have been able to gather indicates that when snow is plowed, it compresses at a rate down to only one inch of plowed snow from five inches of fallen snow. He said that the snow storage area will be sufficient to accommodate the snow from the site. Mr. Conze noted that the snow plows working within the Town owned right-of-way of Oak Crest will plow snow into the driveway of the site and that will make the pile on the subject property much larger. He also noted that when the snow and ice freezes on the catch basins in the street, they will render the catch basins ineffective. Mr. Carboni indicated that this property, unlike any other, will need to deal with the snow plowed by the Town street clearing operation and that they will need to keep the storm drains clear to make sure that water can go into the catch basins.

Matt Ranelli distributed maps showing the drainage areas. He said that this is in response to the October 2<sup>nd</sup> letter from Tighe & Bond. The map accompanies the letter dated November 3, 2008. Director of Planning, Jeremy Ginsberg, referred to the memorandum from Mr. Schmidt of the Town Counsel's office. Mr. Schmidt notes that there are 19 houses on Oak Crest and that the Subdivision Regulations now limit the number of lots on a cul-de-sac, to just 14. The normal paved width of the road surface for a Town street is 26 feet, but the existing public portion of Oak Crest is only 22 feet wide. Mr. Ginsberg said that he believes the street was built many years ago and that it why it does not comply to today's standards.

Lorin Stearns of 5 Oak Crest said that she has been a resident there for 7 years and noted that as Oak Crest intersects with Mansfield Avenue, it is only 71 feet away from McLaren Road. She said that there have been numerous "fender benders" and other accidents and near accidents caused by this off-set intersection. She said that the busiest time for traffic is when school children are going to and from the near-by Royle School. She interviewed the crossing guard or traffic agent assigned to the Mansfield Avenue/McLaren Road intersection. Their main responsibility is the safety of pedestrians and to keep traffic flowing. Mrs. Stearns said that a 55% increase in the amount of traffic using Oak Crest due to the construction of 10 more houses will increase traffic and will therefore create more safety problems.

John Canning of Adler Consulting explained that he has been hired by a neighbor, Mr. Harmer, to study the traffic impacts that will be caused by the proposed development. He said that the applicant's traffic study is not adequate because it does not reference the pedestrian traffic to and from the nearby Royle Elementary School. He said pedestrians' safety is not measured by level of service (which is a measurement of the time delays experienced by motorists). He said that the Traffic Report indicates that Level of Service B is experienced in the area and that this is generally a 15 second delay. He said that his firm has actually studied the actual site conditions and indicated that the average traffic delay during the busiest times of the day is 31 seconds.

Mr. Canning said that the applicant's Traffic Report does not mention the fact that there are no sidewalks or street lights on Oak Crest. His firm has counted the number of vehicles and



PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 17

pedestrians on Oak Crest and notes that the addition of 10 dwelling units will increase both the number of pedestrians and the number of automobiles using Oak Crest. The incidents of pedestrian/car conflicts would be increased if only pedestrians were being added or if only vehicular trips were being added. The fact that more vehicular trips and more pedestrian traffic is to be added results in the pedestrian/car conflict being increased by 75% on the street. Mr. Canning referred to his report and noted that there is a complicated intersection as Oak Crest merges in with Mansfield Avenue and not far away there is the intersection of McLaren Road with Mansfield Avenue. He said that increasing activity increases the risk of accidents.

Mr. Canning said that Oak Crest is presently approximately 1,200 feet long and has 19 homes. This will be increased to 29 homes, yet the street does not meet the Town standards for construction or for emergency access. He also noted that no pedestrian safety improvements are part of the applicant's proposal.

Mr. Finke said that a significant number of children use the sidewalk along Mansfield Avenue in front of Oak Crest as they travel from areas south of Oak Crest to the Royle School that is located north of Oak Crest. He said that each of these children crossing Oak Crest will need to deal with an increased amount of traffic and would therefore be at greater risk. Mr. Ranelli asked Mr. Canning if he could clarify what he meant in his report when he indicated that this is one of the busiest intersections in Town. Mr. Canning said that it is one of the busiest areas with respect to vehicles and pedestrians crossing the street in front of those vehicles. In response to other questions from Mr. Ranelli, Mr. Canning said that due to the size of the proposed units and the town house style, he would anticipate that each unit would generate approximately one-half the number of children of a typical house in Darien. He also noted that there is an increase to the risks of all persons using Oak Crest as any additional drivers are added to the people now using Oak Crest.

Jim Bogie of 30 Granaston Lane said that he has been a resident of Darien for approximately 25 years. He said that he is concerned because accessing the site is easier from Granaston Lane rather than traveling all the way around to Mansfield Avenue and then proceeding to the end of Oak Crest. He claimed that parking is likely to occur along Granaston Lane because it is easier to access the site.

Kristina Puff from 21 Oak Crest explained that she had submitted a two-page letter with attachment earlier in the day. She said that the applicant's information about the ability to walk from this site to downtown amenities is flawed and inaccurate. She said that the report uses data points that are not then incorporated into the final score. It also incorrectly defines or classifies uses (for example, The Good Food Store is not a grocery store, but instead is a small, specialized café) and the report uses "as the crow flies" distances rather than actual walking distances. She submitted a 27 minute long DVD video regarding traffic in the area.

Bill Bowman of 12 Oak Crest submitted a letter and colored copies of maps. He said that response to an emergency within a multi-family building is different than a response to an emergency in a single family house. For a multi-family building, 18 or so vehicles will likely be responding to an emergency situation. He said that many vehicles will not fit on the site nor will it leave enough maneuvering room at the site for the vehicles to get in the proper position or to leave the site. He believed that a major fire at this location would be problematic at best and would create serious public dangers. He said fire trucks or other emergency apparatus at the site could not easily leave

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 18

this site to go to other properties or to go to any emergency situation due to the lack of a second egress or maneuvering space.

Michael Aurelia explained that he is a wetland scientist and submitted a copy of his resumé. He indicated that the water quality in the area will be impacted due to the extensive development proposed on the site. His previous letters of October 2 and October 22 are still applicable. He believed that the sediment and erosion control plan is not detailed enough to allow implementation by a contractor and the proposed development would therefore impact the Goodwives River. He said that the storm water treatment proposed on the site is not adequate to deal with dissolved chemicals like fertilizers and herbicides. He also expressed concern regarding the maintenance of the critical aspects of the storm drainage system. He said that the Town and the homeowners' association will have limited staff to monitor and inspect and ensure that the drainage system is properly implemented and maintained. He said that the applicant's representative, Mr. Klein, has reviewed all of Mr. Aurelia's concerns. Mr. Aurelia contends that these concerns are relevant and have not been adequately addressed. Mr. Aurelia noted that water quality is impacted when the impervious surface area exceeds 20% of the total site area. He said that at this time, there is approximately 28% impervious development on the site. He explained that the Commission should not allow new projects with more than 20% impervious surfaces. The Goodwives River corridor now has approximately 28% impervious surface area. Generally, the less impervious area, the less impact there will be on water quality. Above 20%, the impacts are greater and more noticeable. Applicants try to use special devices to contend with these potential impacts, but those devices need special maintenance. Silt and sediment can easily clog the systems and render them ineffective.

In response to questions from Mr. Ranelli, Mr. Aurelia said that under certain circumstances, one or two storms can start to clog up the drainage system and that is one reason that larger systems and open systems are recommended.

Richard Windels of Friends of Goodwives River submitted a hard copy of a 300 page report and he also submitted CDs of that same report. He said that Milone & MacBroom is an environmental consultant that is currently doing a flood study for the entire Town of Darien. He claimed that their use as a consultant by the applicant is possibly a conflict of interest.

Mr. Windels said that the present site is approximately 19% impervious area. The proposed development would result in 60% of the site being covered with impervious surfaces. He noted, too, that part of the property is at a steep 15% slope down to the Goodwives River. He said that part of the plan would be to catch the sheet flow of storm water runoff from Oak Crest and concentrate it rather than dissipate it. He said that the proposed detention pond is located on a slope and is under-sized. He said that all of the storm water runoff is directed to the Goodwives River and that the eventual development of the cul-de-sac by the Town is not shown on the submitted plans. He noted if the Town does decide to create a cul-de-sac, a dumpster for the project will need to be re-located to another portion of the property. He said that the currently submitted plan is not acceptable because it would have adverse impacts on the Goodwives River. He said that maintenance of the very intensive drainage design is not likely to be properly implemented and that the concentration of plowed snow on portions of the site will compromise the drainage system. He mentioned that the retention pond design is dependant upon a one day measurement of the ground water instead of the recommended two month sampling. He also noted that it is likely that ledge rock will be present on portions of the site because ledge rock is a problem located on immediately adjacent properties.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 19

Phil Moreschi, P.E., from Fuss & O'Neill, explained that his firm has been obtained by the Friends of Goodwives River to study the proposed development. He said that the Goodwives River will suffer due to the extensive development that has been proposed. He noted that the Goodwives River corridor already suffers due to the extensive development that has already occurred. He submitted a letter expressing his opposition to the project. He noted that the volume of storm water discharge will be increased dramatically due to the proposed development and, in particular, due to the increase in impervious surfaces on the site. He said that it is simply logic that when the impervious area increases, there has to be a corresponding increase in the amount of runoff. He said that the proposed development does not meet the guidelines of the stream channel protection portions contained within the 2004 Connecticut Department of Environmental Protection Storm Water Quality Manual. He submitted copies of his calculation sheets indicating how drastically the amount of runoff will be increased. In response to questions from Attorney Ranelli, Mr. Moreschi said that he has been around the site, but has not been on the site to conduct any soil testing. When asked if he disagrees with the applicant's perc rate information, Mr. Moreschi indicated that he does not disagree with it, as far as he knows.

At about 9:55 P.M., Mr. Golden explained that he is an abutting property owner and submitted a series of documents and exhibits. He said that the opinions and assumptions of the applicant's experts are based on faulty information and should not be relied upon by the Commission. He said two such faulty assumptions are that there has not been any flooding at the site and that the catch basins in the street can handle the water runoff in Oak Crest. He explained that these are fundamentally flawed. He also noted there is ledge rock in the area and that the presence of ledge rock will impact the rate of percolation of water into the ground. He said that the opinions of the expert of the applicants should not be credited. Mr. Golden noted that Town Counsel's opinion includes the fact that the Town has the right to take a portion of the subject property and use it as a turn-around for Oak Crest. He said that the reservation of that parcel for that purpose was made by a predecessor of the Planning & Zoning Commission and that the present Commission must enforce and honor that condition of approval. He said that there is an easement of use that he and another neighbor have and that if a large cul-de-sac turn-around is built by the Town, then the site plan submitted by the applicant does not work. Mr. Golden claimed that the applicant has no intent to build the housing at the site and that the Commission has received no evidence of assets or experience or intent of the applicant to build the project. He said that information submitted by another neighbor indicates that any developer would lose \$1.6 million dollars if the project were to be built. He also noted that the Environmental Protection Commission has found that there are environmental problems with the project, and it is not likely that they will approve the project. He believed that for all these reasons, the Commission should deny the application.

Mr. Peter Rogers of St. Nicholas Road said that there are 19 houses on Oak Crest now and that adding 10 more units will increase the traffic by about 45%. He also noted that there is concern about the maintenance of the drainage system and everyone knows that the drainage system will be very important.

Mr. Greg Harmer of 24 Oak Crest made a PowerPoint presentation in opposition to the project. He provided paper copies of the presentation and gave them to the Commission and the applicant. Main points raised in his presentation included: the project is not financially feasible; traffic and safety concerns for the existing residents in the area will make the area unsafe; health issues are of

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 20

concern due to the storm water retention system; fire and emergency safety issues have not been adequately addressed; the existing street is not compliant with respect to the current Subdivision Regulations and adding more vehicles will only make it more unsafe; the Town has the reserved right to acquire Parcel X-2 and make it into a turn-around; the applicant's experts present modeling information that indicates that flooding will not occur, yet experience indicates that flooding does occur even in small storms. The actual observation confirms that flooding does occur and therefore the applicant's experts' opinion regarding flooding should not be relied upon. Other issues raised in Mr. Harmer's presentation include the fact that the project does not comply with current zoning and it is not likely to be upheld by any court in an appeal process. He referred to the six-page Fromson v. Weston court case where 18 units were proposed along a narrow, dead end street that contained 83 acres. He said that the submitted application does not conform with the Planning & Zoning Commission's sub-committee standards for an affordable housing project and should not be approved. There were no other comments from the general public.

Joseph Canas, P.E., of Tighe & Bond referred to his October 2, 2008 letter. He noted that the storm frequency of the April 2008 storm and the remnants of Storm Hannah had highlighted the importance of dealing with those intense but of short duration rainstorms. He said that the applicant's model for rain storm events and the ensuing flooding needs to be calibrated to reflect actual events and conditions that have been experienced. In response to questions from Mr. Ranelli, Mr. Canas acknowledged that the Darien Office of Emergency Management had indicated that eight inches of rainfall was reported in one of the storms, but Mr. Canas said that it is important to deal with the intensity of the rainstorm on an hour-by-hour basis. He said a typical design storm is spread over a 24 hour period, but within that 24 hour period the intensity varies. In response to other questions, he said that a blockage in the culvert could have held back some of the water flow, and therefore made the pipes back up.

Mr. Ranelli said that he disagrees with some of the character assassinations and comments made by Mr. Golden about the motives of the applicant. He questioned the easement that Mr. Golden referred to, and when Mr. Golden said that the easement is noted on the map. Mr. Ranelli noted that there is a subsequent deed that extinguishes those rights noted on the map. He submitted a copy of the deed. Mr. Ranelli then submitted a copy of a portion of a June 2006 study from the Rutgers University, Center for Urban Policy Research regarding the number of children based on housing type. He said based on 10 additional units, it was likely to generate only three children, and thus there would not be a 25% increase in the total number of pedestrians in the street. Mr. Conze noted that children are not the only pedestrians that would be walking to or from the site. Mr. Ranelli said that adults walking to or from the site would provide supervision for the children who currently walk or play on the street, and therefore he would consider the addition of adult pedestrians to be an enhancement of the safety for pedestrians. He submitted a drawing regarding walking distances to other facilities.

Bill Carboni, PE, said that the runoff volume is reduced due to the storm water detention system that is proposed. He said that in order to determine the percolation rates and to explore the site more thoroughly, five pits were dug into the site. Each pit was eight or nine feet deep, and in none of those pits was ground water or ledge discovered. He said that the tests were conducted at a time when seasonal high ground water would be experienced. He said that the tests were done in the area where the drainage improvements would be installed.

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 21

Mr. Carboni said that one of the neighbors believed that a swimming pool is being moved on the site. He said no such activity is taking place. He said that the storm water detention basin is being excavated and created. It will be planted with landscaping material. He said that the percolation rate experienced on the soil in that vicinity is approximately one inch in 20 minutes. He explained that to be conservative they have used a percolation rate of only one inch in 30 minutes to base their calculations of water outflow. He said that the State DEP models for stream bank protection are not applicable because there are no such standards for pipes and drainage culverts. Mr. Carboni said that the Fuss & O'Neill report includes inaccuracies about the driveway permeability and has not included the storm water detention and infiltration factors when it calculated the amount of runoff. Mr. Carboni said that 90% of the rain event situations during the year would be directed into the ground water and would therefore not run off the site. Mr. Carboni also said that a full sized cul-de-sac could be built by the Town without impacting the site development. He disagreed with the opponents' points regarding the amount of rainfall that had occurred on various occasions in the recent past. He did agree that the heavy rainstorms were not two year storm events, and that storm intensity is an important factor in the design consideration. He noted that a long, constant rainfall is different from a short, intense storm. He said that the photograph and information submitted by the opposition still indicate that 39% of the culvert capacity was left intact even during the heavy rainstorm events. He also noted that the peak flow running off the site during a heavy storm would pass through the Granaston Lane culvert approximately two hours prior to the peak flow from the uplands portions of the Goodwives River watershed.

Mr. Conze said that his experience indicates that when engineers say, "Don't worry, it will work," it never does. Flooding often results. Mr. Carboni said that high water in the stream bank and flowing through the pipe is not a sign of failure. He said the system only fails if it does not flow through the pipe and then has to flow over the road. He said that in his investigation, flood waters have not flowed over Granaston Lane. He noted that with the mitigation measures that they have incorporated into the design, they can deal with the increased impervious surface area by detaining storm water and infiltrating it back into the ground.

Mr. Allen Mess submitted his written comments. He said that the heaviest delays experienced at the Oak Crest and Mansfield Avenue intersection occurred around 8:00 a.m., when school buses are heading toward nearby Royle School and other activities are being conducted. He said that the delays are caused by the school buses and not by too much traffic. He said that the school buses will continue to cause delays whether or not this project moves forward. Mr. Conze said that it is not just the school buses that cause the delay, but it is also the children who have to walk across the street and parents bringing children to and from the school. He said that he lives in the neighborhood and the traffic counts that he has seen in the report do not seem to be right.

Mr. Mess believed that the width of Oak Crest is sufficient for emergency vehicles. He referred to the September 4, 2008 memo from the Chief of Police Duane Lovello that indicates that Oak Crest has not had much of a history of police calls or traffic accidents. He compared the Oak Crest traffic with similar streets in the vicinity. Mr. Mess noted that additional signage warning people about the presence of children could be added to Oak Crest, so that it would be similar to other nearby streets. He believed that the number of vehicles being added to the traffic flow would not make any less safe. Mr. Hutchison disagreed with Mr. Mess' written testimony which stated that the addition of traffic from the development posed no increase in risks. Upon questioning, Mr. Mess contradicted written testimony and responded that adding any more vehicles to the traffic flow does increase the

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 22

risks, but he could not say exactly or specifically what amount of traffic increase would result in unsafe conditions. He explained that a single family house typically generates 10-12 trips per day, and a condominium like this would be expected to generate five to six vehicle trips per day on average. He said that adding 10 condominiums would result in approximately a 25% increase (not a 45% increase) in traffic.

At about 11:45 P.M., Tim Pelton explained that he has had more than 22 years in the fire service, and has conducted a fire safety response review regarding the project and has recently met with the Darien Fire Marshal and the Deputy Fire Marshal. He said that the maneuvering of a fire truck is measured by the inside turning radius of the back tires, the outside turning radius of the front tires, and the sweep of the front bumper. He confirmed that each unit proposed within the development will have full smoke and fire alarms, and that the fire alarms would indicate which unit within the development is affected. This would allow the apparatus to get to an individual unit, not just to the site in general. He explained that each unit would also be provided with full sprinkler systems, including sprinklers in the attic. Mr. Pelton stated that in a volunteer fire service such as Darien's, volunteers responding to an emergency call decide whether to go to the fire station to pick up equipment or to go to the site in their own personal vehicles, or to go to the fire station to stand by in case there is a fire at a different location. He said that given the type of construction that is required and the extra special measures that would be incorporated regarding fire alarms and sprinklers, there is a remote likelihood of a conflagration where there is more than one unit that catches fire. He said that when the fire and emergency apparatus must leave the site, the trucks would either do a "K" turn on the site or would back out of the site with the assistance of a spotter. He said that his experience indicates that residents will seldom park in an area designated as a fire lane. He mentioned that the fire lane will be designated by the Fire Marshal to assure that there will be sufficient maneuvering room within the site.

Mr. Pelton said that with respect to water pressure and water capacity, they have decided to run a water main through the site to connect Oak Crest with Granaston Lane. This will create a looped system, and therefore water can be supplied from both directions. They will also add two hydrants on the site and possibly another fire hydrant on Granaston Lane. He said that access around the buildings will be manageable by personnel with ladders, and the enhanced sprinkler system will include sprinklers in the attics and garages. He also noted that a rescue window would be provided within each bedroom. He said there are not fire safety problems or issues with respect to the proposed development.

At about 12 midnight, Matt Ranelli said that he objects to the testimony of experts who are not there because he is unable to ask them questions. He was referring to the information provided by Hiram Peck. Mr. Ranelli also objected to the fact that the Fuss & O'Neill drainage report fails to provide the back-up calculations and data even though they knew that such information had previously been requested during the Environmental Protection Commission meeting. He said that the Commission cannot require more of this applicant than they would require of other applicants. He said he knows of no Town standards regarding snowplowing or snow storage areas. Despite the fact that there are not Town standards, the applicant has provided information on how they will deal with such snow events. Mr. Ranelli said that the Commission cannot assume that the drainage system will not be maintained by the homeowners. He noted that the applicant has provided a detailed maintenance program, and that it will be up to the owners to abide by the maintenance program. He said that the safe road conditions on Oak Crest will remain safe, and that the traffic delays that people currently

PLANNING AND ZONING COMMISSION  
MINUTES  
SPECIAL MEETING/GENERAL MEETING/PUBLIC HEARING  
NOVEMBER 6, 2008  
PAGE 23

experience are caused by the school buses and traffic guards who are ensuring the safety of children and pedestrians. He said that this is a safe project, but if the Commission finds that it is unsafe, then the State Statutes require the Commission to make the necessary reasonable modifications to address the safety concerns. He confirmed that this is the Commission's obligation under the Statutes. He said that the project involves the construction of 10 housing units and three of those units will be affordable in accordance with State Statutes.

There being no further comments, the following motion was made: That the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Conze, seconded by Mrs. Grimes and unanimously approved.

The meeting was adjourned at 12:12 a.m.

Respectfully submitted,

David J. Keating  
Assistant Director of Planning

*Pzc\alm\11062008min*